

Westmoreland Tells Libel Jury CBS Deceived Him on Focus of '82 Program

By M. A. FARBER

Gen. William C. Westmoreland testified yesterday that CBS had deceived and "rattlesnaked" him during preparation of its 1982 documentary about Vietnam that is now the subject of his \$120 million libel suit against the network.

The 70-year-old retired general, continuing direct testimony in Federal District Court in Manhattan, said that when he agreed to be interviewed on camera for the broadcast, he was led to believe the focus of the program was the enemy's Tet offensive of January 1968, during the last of his four years as commander of American forces in Vietnam.

But during the interview at a CBS studio in New York on May 16, 1981, the general said, Mike Wallace, the broadcast's narrator, asked him unexpected questions about a 1967 dispute over the size and nature of the enemy forces in South Vietnam.

Focuses on Controversy

As CBS had planned, that controversy between General Westmoreland's command and the Central Intelligence Agency became the focus of the 90-minute CBS Reports documentary, "The Uncounted Enemy: A Vietnam Deception," broadcast on Jan. 23, 1982.

The documentary alleged a "conspiracy" at the "highest levels" of military intelligence to minimize the size of the enemy to give the appearance that America was winning the war. The result of the conspiracy, Mr. Wallace said, was to leave President Johnson, the Joint Chiefs of Staff and American troops "totally unprepared" for the scale of the Tet offensive.

General Westmoreland told the jury that when Mr. Wallace called him at his home in Charleston, S.C., in early May 1981 and asked him to do an interview "on a special program about Vietnam," he asked Mr. Wallace whether it was "going to be a '60 Minutes' type program."

"He said, 'Oh, no, this is to be an educational and objective type program,'" General Westmoreland said. During another call, the general testified, he was told by George Crile, the documentary's producer, that the program was "to be built around the Tet offensive."

Decided to Cooperate

So, the general testified, he decided to cooperate, and before he arrived in New York, he read up on the subject of the offensive by reviewing his personal

notes at the Department of the Army in Washington.

He said he had been expecting a letter in South Carolina from CBS outlining specific matters to be covered in the interview. But he said he did not receive such a letter until he arrived at the Plaza Hotel on May 15. In the letter Mr. Crile had described five areas that were to be covered in the interview. The fourth asked: "What about the controversy between C.I.A. and the military over enemy strength estimates?"

But once the interview was under way, General Westmoreland testified, he found that he was being questioned about a remote matter that he had not had an opportunity to research.

"I became very angry, very disillusioned," he recalled. "I realized I was not participating in a rational interview — this was an inquisition. I was participating in my own lynching, but the problem was I didn't know what I was being lynched for."

As the general went on — saying that Mr. Crile and Mr. Wallace had "gone for my jugular" and had "ambushed" him — David Boies, CBS's lawyer, objected and that remark was stricken from the record by Judge Pierre N. Leval.

Dan M. Burt, General Westmoreland's lawyer, then asked the general why he had not walked out of the interview.

Twice, the witness began to say that because "I had seen so many times on '60 Minutes' . . ."

Judge Leval interrupted. "Is this being objected to, Mr. Boies?"

"Yes, your honor," said Mr. Boies. "I thought . . . the same . . ."

"Am I supposed to guess that?" said the judge.

The lawyers went to the bench. Finally, Mr. Burt was allowed to ask General Westmoreland whether he had decided not to terminate the interview "because that would be taken as an admission of guilt?"

"Yes," said the witness, adding that he had told Mr. Wallace and Mr. Crile at the end of the interview that he had been "deceived about the nature of the interview. And I said to them: 'I have been rattlesnaked.'"

Both Mr. Wallace, who is 66, and Mr. Crile, 39, are also defendants in the trial, now in its seventh week. Mr. Crile, who suggested the program to CBS in a 16-page proposal in November 1980 that used the word "conspiracy" 24 times, has attended every session of the trial. Mr. Wallace, who has been in Ethiopia on assignment, has missed all of General Westmoreland's testimony.

Denies High Infiltration

Late yesterday, the general's appearance on the stand was interrupted to allow William P. Bundy, who had a conflict of schedule, to begin his testimony. Mr. Boies successfully objected, on the grounds of relevance, to much of the testimony by Mr. Bundy, who was Assistant Secretary of State for East Asian and Pacific Affairs under President Johnson. He, like General Westmoreland, is expected to continue testifying today.

In the general's other testimony yesterday, he said that none of his intelligence officers had reported to him that, in the fall of 1967, North Vietnamese infiltration into South Vietnam was anywhere as high as 20,000 to 25,000 a month — a range that, he said, was not achieved by the enemy until the weeks just before the Tet offensive.

Mr. Wallace said on the broadcast that "CBS has learned that during the five months preceding the Tet offensive, Westmoreland's infiltration analysts had actually been reporting, not seven or eight thousand, but more than 25,000 North Vietnamese coming down the Ho Chi Minh Trail each month, and that amounted to a near invasion. But

Continued.

those reports of a dramatically increased infiltration were systematically blocked."

General Westmoreland himself seemed to lend credence to the CBS assertion by saying on the broadcast that infiltration "was in the magnitude of about 20,000 a month. That's actually — and this tempo started in the fall and continued."

Wallace: Twenty thousand a month?

Westmoreland: Yes. On that order of magnitude.

Incorporating old footage, the documentary then showed the general appearing on a Nov. 19, 1967, "Meet the Press" program in which he estimated that infiltration at that time was "between 5,500 and 6,000."

"Sounds to me like misstatement," General Westmoreland told Mr. Wallace, in response. "And if I said that, I was wrong. I was wrong."

Sent CBS a Letter

Yesterday, General Westmoreland said that several weeks after his interview, he sent Mr. Wallace and Mr. Crile a letter enclosing official infiltration records from that period.

Mr. Burt introduced a copy of the letter, in which the general noted, that "after 14 years have gone by," he was "unable to speak with precision on the details of items presented to you by your researchers." He said he had now had time to examine his files and that his "estimate" on "Meet the Press" had been "generally correct."

The general told the jury that his letter was not acknowledged by CBS, and

he was not questioned about the new information he supplied. He also said it was "totally inconceivable" for infiltration into South Vietnam to have reached 25,000 a month without it being generally known.

The general testified that, like the White House and a variety of intelligence agencies, he was aware by November 1967 that a large number of North Vietnamese regular troops were moving southward in North Vietnam, without yet crossing the border.

In his letter of June 9, 1981, and in another letter to Mr. Wallace and Mr. Crile a month later, General Westmoreland urged the two — "if it is your purpose to be fair and objective during your quest, which I assume you intend to be" — to interview a half-dozen senior military or civilian officials from 1967, including Ellsworth Bunker, the former United States Ambassador in Vietnam. Most were not interviewed.

Yesterday, Mr. Burt prompted laughter when he asked the general whether he licked his lips often during the interview with Mr. Wallace — as was apparent during the broadcast.

General Westmoreland explained that he hadn't known that, when Mr. Wallace was speaking, a camera on him was still rolling.

"I was under bright lights, and my lips were dried out," he said. "But there was good fall-out from this. My wife introduced me to stuff which I've used ever since."

Mrs. Westmoreland, who attends the trial regularly, told reporters the "stuff" was Chap Stick.